

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The description of the outer tube 30 as being "impermeable" has been eliminated from claim 1. As noted by the examiner only the inner tube 49 is explicitly described as impermeable, and the claim now makes this clear.

Thus entry of this amendment after final action is in order because it in no way opens up new issues, but instead clears up a minor problem to place the case in better condition for appeal.

The main reference, US 4,329,122 of Owada shows in FIG. 1 an assembly clearly intended to fit with substantial radial play within a drill string for axial flow around, not through it. The examiner's statement that the rotor 106 forms an axially throughgoing flowpath "clearly" shown in FIG. 5 is completely incorrect.

There is no axial flow through the structure shown in FIG. 1. Instead there is an axially extending row of motor units 100, 200, 300. The unit 100 has, as pointed out by the examiner, an outer wall 102 and an inner wall 105 and end walls 103 and 104

that form a completely closed space holding a stator 105. The rotor here is formed by respective shaft sections 107, 207, 301 that extend out through an upper end cap 122 to form an output shaft 112 with (see column 5, lines 7ff) a seal 113 between the cap 122 and the shaft 112. An imperforate end cap 320 (see FIG. 8) closes the bottom end of the assembly 300, making axial flow through the unit impossible.

There is in fact a radial gap between each of the rotors 106, 206, 306 and the respective stator wall (only 105 identified), but the top and bottom of each motor assembly 100, 200, 300 is clearly closed and sealed around the drive-shaft sections. This space is not a flow path because there is no inlet or outlet in any of the motor assemblies 100, 200, 300. Thus the alleged flowpath of Owada is in no way axially throughgoing as defined, but instead is simply an interior space that is axially sealed at both ends and in which there is undoubtedly no axial flow.

The rejection is therefore based on a misreading of the main reference, namely seeing in the reference structure that it does actually have, so that the §103 rejection on Owada must be reversed and the claims allowed.

If the examiner feels that the claim language could be improved to further underscore this critical difference over the

cited art to place the claim in condition for allowance, he is invited to call the undersigned to work out any such amendment.

K.F. Ross P.C.

*/Andrew Wilford/*

by: Andrew Wilford, 26,597  
Attorney for Applicant

11 January 2010  
5683 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: 718 884-6600  
Fax: 718 601-1099  
Email: [email@kfrpc.com](mailto:email@kfrpc.com)

Enclosure:

None.